

EXHIBIT 91

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

JOHN TENNISON.

Case No. C 98-3842 CW

Petitioner,

1

Judge: The Hon. Claudia Wilken

IVALEE HENRY

Respondent.

POLICE INTERVIEW WITH

PATRICK BARNETT

AUGUST 19, 1989

1 POLICE INTERVIEW WITH PATRICK BARNETT, AUGUST 19, 1989

2 FALZON: Today's date is Saturday, August the 19th, 1989.

3 The time is presently 10 minutes after 1:00pm. We're inside of
4 the Homicide Detail room 450, at the Hall of Justice. I'm
5 Inspector Frank Falzon and for the record sir, your full name
6 please?

7 BARNETT: Patrick Deshawn Barnett.

8 FALZON: I'm sorry could you state that again?

9 BARNETT: Patrick Deshawn Barnett.

10 FALZON: Patrick Deshawn Barnett, and you're the first
11 cousin of Roderick Shannon is that correct?

12 BARNETT: Yeah.

13 FALZON: I'm showing mug photo right now, ah x-ray 37597,
14 do you recognize that photo sir?

15 BARNETT: Yeah.

16 FALZON: Is that your cousin?

17 BARNETT: Yes.

18 FALZON: And you were recently informed that sometime
19 earlier today of ah Mr. Shannon's death?

20 BARNETT: Yea.

21 FALZON: Could you tell me how you found out about his
22 death?

23 BARNETT: When my friend came to my girl's house and told
24 me he came to pick me up.

25 FALZON: Okay. You say your girl's house ah whose house
26 were you at?

27 BARNETT: My girl is Chanelle Ward, she's at, I mean she's
28 at 67 Bronte Street.

1 FALZON: Okay. And you with her all night?
2 BARNETT: Yeah.
3 FALZON: How did you get to your girlfriend's house?
4 BARNETT: My cousin Roderick brought me home.
5 FALZON: About what time was that?
6 BARNETT: It was about it was about 1, about 1 or 1:30.
7 FALZON: 1:30 this morning?
8 BARNETT: Yeah.
9 FALZON: The same day yesterday?
10 BARNETT: Yes.
11 FALZON: Saturday morning?
12 BARNETT: Yes.
13 FALZON: And when he dropped you off, what car was he
14 driving at that time?
15 BARNETT: The green 67 Skylark.
16 FALZON: And whose does that car belonged to?
17 BARNETT: My auntie, Shirley Collins.
18 FALZON: It belongs to Shirley Collins?
19 BARNETT: Yeah.
20 FALZON: And did you have any appointment with Roderick
21 Shannon to pick you back up?
22 BARNETT: Yes. At 12 o'clock this afternoon.
23 FALZON: He was supposed to be picking you up?
24 BARNETT: Yeah.
25 FALZON: And instead, you said members of your family, you
26 told me, arrived to give you the news that ah Roderick was
27 dead?
28 BARNETT: Yes.

1 FALZON: And who came to tell you about ah Roderick's
2 death?

3 BARNETT: John, my friend John.

4 FALZON: John who sir?

5 BARNETT: John Moore.

6 FALZON: John Moore?

7 BARNETT: Yes.

8 FALZON: Is he the fellow who drove you down here to the
9 Homicide Detail?

10 BARNETT: Yeah.

11 FALZON: What if anything do you know about Roderick
12 Shannon's death?

13 BARNETT: I don't know nothing. I don't know anything. All
14 I just know is...

15 FALZON: Can you keep your voice up please?

16 BARNETT: All I know that somebody just - all I know is my
17 friend picked me up and told me he was dead - and I don't know
18 I don't know he got killed or whatever.

19 FALZON: Okay, prior to turning this tape recorder on you
20 and I had a little discussion, you might even say a little bit
21 of a disagreement, and I was of one opinion, you were of
22 another opinion, I thought drugs was probably involved in this
23 case, you don't feel that way, and you thought it was more of a
24 turf situation, the fact that ah Roderick is from the Sunnydale
25 projects and you have had past problems before with the
26 Hunter's Point group, is that correct?

27 BARNETT: Yes.

28 FALZON: Explain to me about that. Why, why do you believe

1 this would be - why Roderick was gunned down the fashion he was
2 gunned down?

3 BARNETT: Because he was only one seen, he was only one that
4 was seen on the street I guess. He was the first victim that,
5 that ah they seen them.

6 FALZON: Alone?

7 BARNETT: Alone. He was by himself. He was like a you know
8 as a guinea pig you know - he was by himself, evidently there
9 was about 10 guys you know, they don't go after me because may
10 be by yourself.

11 FALZON: Okay, and you told me that you were brought down
12 at one time and questioned regarding the crazy Charlie's case?

13 BARNETT: Yeah.

14 FALZON: And that was by homicide detectives.

15 BARNETT: Yeap.

16 FALZON: You know their names?

17 BARNETT: Ah, I don't know just this you know them old guy.

18 FALZON: You say the old guy

19 BARNETT: A black.

20 FALZON: Black, ah Napoleon Hendrix?

21 BARNETT: Yeah.

22 FALZON: And Earl Sanders?

23 BARNETT: Yeah.

24 FALZON: And they brought you down here and questioned you
25 regarding crazy Charlie's death in Hunter's Point?

26 BARNETT: Yeah.

27 FALZON: And you also drive the same vehicle that Roderick
28 was driving early this morning, is that not correct?

1 BARNETT: Yeah.

2 FALZON: And it's your opinion and that's it is an
3 opinion, that a group from Hunter's Point spotted that car and
4 assumed neither you or Roderick were in it and started chasing
5 it, is that what you believe it happened?

6 BARNETT: I think that they just knew it was somebody from
7 Sunnydale in the same vehicle, they didn't know if it was me or
8 him.

9 FALZON: Okay. But it was a Sunnydale car?

10 BARNETT: Sunnydale car so they went after it, I guess.

11 FALZON: The last few days have you been spending those
12 that that time with Roderick?

13 BARNETT: Yeah, yeah, like...cause when he's in, in a
14 transition home, you see, he goes to work in the morning and
15 then when he get off from work I seen him for, I see him for
16 about, he gets off at about 12, I see him for about 30 minutes
17 or an hour and then he'd gets on the bus and he'd go back to
18 the transition home on Guerrero Street, and then, I mean you
19 know, Friday being that it was Friday they let him off for you
20 know he gets to come home for home pass on the weekend. And
21 ah...

22 FALZON: How'd you spend Friday. What did you two do?

23 BARNETT: We, first, you see he was he had to work Friday
24 so he worked for about 12, I was at my girl's house.

25 FALZON: You say 12, you tell me about 12 noon Friday he
26 got off?

27 BARNETT: 12 noon yeah, about, Friday he got off. You see,
28 I was my girl's house 'til about 3 see, 'til about 3 that

1 afternoon and I came, I came to Sunnydale again and we was
2 sitting in a park, I mean in a recreation center in Sunnydale
3 on Sunnydale Street, we lifting weights, and playing ping-pong
4 and then, at about 6 we went we went ah to Visitation Junior
5 High School and play basketball for about for about ah a good
6 hour or two.

7 FALZON: Who'd you play basketball, just the two of you?

8 BARNETT: No. We play, it was like Sunnydale, we played
9 against some Fillmore guys, in some basketball.

10 FALZON: Was there any problems with any of the Fillmore
11 guys during the basketball game?

12 BARNETT: No. And then we left the gym at about, it's about
13 9:30 no it's about 9 when we left we went down to Sunnydale, we
14 dropped our friend off that was with us my friend Steimy, and
15 then we went to McDonald's on Geneva we got us something to eat
16 from McDonald's and then I came we came back and we were
17 sitting around on, on ah Santos Street we just talked to a few
18 of our buddies for a while and then ah I went, I went in my
19 friend's house and used the phone and called my girl and told
20 her I was to have my cousin to drop me off. And then I went, I
21 told my cousin that, I mean I asked him to drop me off. So and
22 I said ah take me to 7-11 first so we went to 7-11. And then,
23 and then, ah we went up to the gas station on Geneva and
24 Mission and then got some gas and then when we got on the
25 freeway by Balboa Bart Station going towards ah San Jose, I
26 mean Oakland whatever the way it is ... and when we got off on
27 Alemany Street and ah we went to ah 67 Bronte Street, he
28 dropped me off.

1 FALZON: This is around 1:30?

2 BARNETT: This is around 1:30, then I told I say come pick
3 me up at about 12 o'clock alright, and he said all right.

4 FALZON: That was today?

5 BARNETT: That was today, and then he left, he left and
6 then I went into the house and I went to sleep.

7 FALZON: Okay. Your mother and your auntie told me that
8 after the basketball game you went home.

9 BARNETT: I know, I took my shoes, I took my shoes and my
10 sweat pants home, you know I, we came right back out.

11 FALZON: You went right back out?

12 BARNETT: Right back out.

13 FALZON: And that's when you went to McDonald's.

14 BARNETT: Yeah. No, we went to 7-eleven we went to
15 McDonald's we went to McDonald's after we came from playing
16 basketball.

17 FALZON: Then you went home?

18 BARNETT: Then I went home and dropped my shoes and my
19 sweat pants off. And then we went to 7-eleven.

20 FALZON: You have a cut on your finger there why did that
21 happen?

22 BARNETT: I was just reaching up under the seat yesterday
23 morning, I cut my finger.

24 FALZON: Okay. Do you have any problems or skirmishes with
25 any body within the last couple of days?

26 BARNETT: No.

27 FALZON: What about in the last month?

28 BARNETT: I ain't have no problems with nobody, I thought I

1 been doing all right, staying out of people's way.

2 FALZON: Do you know if Roderick's had any problem?

3 BARNETT: No, I know didn't have no problem, because he
4 wasn't the type of person that bothered nobody, you know what
5 I'm saying, 'cause he was a quiet type you know, he didn't see,
6 he didn't never say much, you know what I'm saying?

7 FALZON: Did you know if Roderick had a money with him
8 last night?

9 BARNETT: No.

10 FALZON: He never showed you any large sums of money?

11 BARNETT: No.

12 FALZON: If I told you he had over \$1700 on him last
13 night, what would you think he would have that kind of money
14 being ah working part-time and being in a transition house?

15 BARNETT: He probably already had, I wouldn't know.

16 FALZON: He carried around on his person?

17 BARNETT: I guess so.

18 FALZON: Do you carry that much money on you?

19 BARNETT: No.

20 FALZON: You have no idea where...

21 BARNETT: If I was to sell, if I was to sell a car I'd have
22 that much money on me.

23 FALZON: You think he sold a car?

24 BARNETT: He might have.

25 FALZON: Did he have a car for sale?

26 BARNETT: Yeah.

27 FALZON: Which one was it?

28 BARNETT: A Skylark. The one that that Third Street guy is

1 riding around in right now.

2 FALZON: Who's Thursday guy?

3 BARNETT: I said the Third Street guys you know in Hunter's
4 Point, they riding around in it right now.

5 FALZON: They stole his car?

6 BARNETT: Yeap. Because he has sold it to one of my other
7 buddies.

8 FALZON: And Hunter's Point guys, they stole that car?

9 BARNETT: From, from my other buddy that my cousin sold it
10 to. They took it from him at the gas station. They jumped on
11 ...

12 FALZON: How much did he sell that car for?

13 BARNETT: He sold it for about 27.

14 FALZON: \$2700?

15 BARNETT: Yeah.

16 FALZON: He sold it to your buddy?

17 BARNETT: Yeah.

18 FALZON: Did your buddy pay in cash?

19 BARNETT: I think so. I Think so. I think he probably owed
20 it somewhere.

21 FALZON: What's you buddy's name?

22 BARNETT: He sold it to his father.

23 FALZON: What's the father's name, you know?

24 BARNETT: I don't know his name.

25 FALZON: How about his buddy's name what's his name.

26 BARNETT: What's my buddy's name? Ah, I don't know, I just
27 know him by his nickname I don't know his...

28 FALZON: Did he make a report that the car was stolen?

1 BARNETT: He didn't know the license, my buddy the dude
2 that he sold the car to, didn't know the license plate number.
3 And my auntie she had sent the pink slip in 'cause, you know
4 Sacramento so you know, they can change it over.

5 FALZON: Can you find that out for us? Your buddy's name,
6 the license plate number of the car that was stolen and all
7 that information?

8 BARNETT: I feel all that is irrelevant they ain't got
9 nothing to do with it right now, you know what I'm saying.

10 FALZON: If they stole, if they stole...

11 BARNETT: That, that car that car had been sold to him for
12 you know at least a week, at least a week, two weeks you know I
13 don't know.

14 FALZON: So you don't think that's connected?

15 BARNETT: I don't think that's connected.

16 FALZON: What do you think is connected?

17 BARNETT: Like I told you, I've said I think there was some
18 Hunter's Point guys and my cousin was just seen by himself and
19 it was a few cars of them and then probably, you know they just
20 got him. If that would have been me, if they would see me by
21 myself I think they would try to chase me too.

22 FALZON: How do we stop all this?

23 BARNETT: How do y'all stop all this? I don't know man.

24 FALZON: Isn't it pretty much safe to say, ah that a
25 Hunters Point guy gets killed, a few weeks later a Sunnydale
26 guy gets killed. A few weeks later maybe a month later, a
27 Hunter's Point guy gets killed. And now Roderick gets killed,
28 is that pretty, pretty much what's happening?

1 BARNETT: I think so.

2 FALZON: So now I would say a Sunnydale group has to go
3 kill somebody from Hunter's Point. Isn't that the logic?
4 Pretty much...

5 BARNETT: I guess so, I don't know.

6 FALZON: I mean Roderick's death has to be revenged?

7 BARNETT: I don't know.

8 FALZON: Because you guys are gonna do it outside the law,
9 without involving the police because the Police don't know what
10 they're doing. You guys know what you're doing. What you're
11 doing is killing each other.

12 BARNETT: I ain't killing nobody. I ain't in no gang...

13 FALZON: I'm not saying you. I'm not saying you.

14 BARNETT: My cousin wasn't' in no gang and it just that a
15 gang got to him that's all.

16 FALZON: But you, you do admit your cousin was part of the
17 Sunnydale group? He may not have been in a gang...

18 BARNETT: He stayed he stayed in Sunnydale - you see his
19 address right here 1964 Sunnydale Avenue.

20 FALZON: Sunnydale Avenue. That's where his mother lives.

21 BARNETT: It's where he lived at. It ain't if you're in a
22 gang or nothing like that, you know what I'm saying, it's about
23 where you stay at.

24 FALZON: Where do you live?

25 BARNETT: I stay at 50 Carr Street with my grandmother.

26 FALZON: Now, what's that considered? That's right in
27 between...

28 BARNETT: That's right in...

1 FALZON: Hunter's Point and Sunnydale.

2 BARNETT: I got, I go home I don't go home every night but
3 you know some night I do go home I won't be parking my car you
4 know I park the car you know I don't know somebody came by and
5 seen it or not I don't know.

6 FALZON: But you're considered to be a Sunnydale person or
7 your turf is Sunnydale?

8 BARNETT: Yeah. Cause I was staying in Sunnydale for the
9 last three years.

10 FALZON: At 1694?

11 BARNETT: No. I was staying in 72 (inaudible) 172
12 (inaudible).

13 FALZON: And who were you staying there with?

14 BARNETT: My mother.

15 FALZON: That's ah, Helen Horton?

16 BARNETT: Yeah.

17 FALZON: Is there any reason outside of turf that can tell
18 me why this is happening?

19 BARNETT: I couldn't tell you.

20 FALZON: You mean crazy Charlie's death was revenged?

21 BARNETT: I don't know.

22 FALZON: No idea?

23 BARNETT: No.

24 FALZON: Do you know if Roderick was dealing drugs?

25 BARNETT: No.

26 FALZON: Would you tell if you did know?

27 BARNETT: I'd tell you if I did know.

28 FALZON: Do you deal drugs?

1 BARNETT: No.

2 FALZON: Would you tell me if you were?

3 BARNETT: Would I tell you if I were? That'd be, that'd be
4 very dumb if I was and I tell you I was.

5 FALZON: Except that it would help to understand this
6 whole case...

7 BARNETT: But the drugs ain't got nothing to do with it.

8 FALZON: You don't think...

9 BARNETT: I ain't dealing drugs and my cousin wasn't
10 dealing drugs, and so there was this gang so that's all y'all
11 might as well put it down as. It was just gang related.

12 FALZON: And you'd take a polygraph, you told me,
13 regarding the fact that you were not with Roderick at the time
14 he was chased down and killed?

15 BARNETT: Yeah, I'd take a polygraph, whatever.

16 FALZON: And you have no other information you can help us
17 with in this case? You have to answer me so I can hear...

18 BARNETT: No. No.

19 FALZON: No other information?

20 BARNETT: No.

21 FALZON: Does any of your friends out there know what
22 happened with Roderick.

23 BARNETT: I don't know. I hear a lot of stuff you know I
24 don't know what to believe, I don't know who to believe and who
25 not to believe.

26 BARNETT: How much have you heard so far since?

27 BARNETT: I heard that the, some of my partners say they
28 seen said they seen ah they seen him getting chased by the

1 police.

2 FALZON: By a black and white.

3 BARNETT: By a black and white. And then then then ah some
4 people just say they just seen the car getting towed.

5 FALZON: So you don't know yet, you haven't been out on
6 the street, I guess to find out what happened, huh?

7 BARNETT: Not yet.

8 FALZON: Let me ask you this ah, when you find out what
9 happen, would you tell me?

10 BARNETT: When I found out what did it happen?

11 FALZON: You're gonna find out Patrick when you get out
12 there, what happened.

13 BARNETT: Oh would I tell you?

14 FALZON: Would you tell me?

15 BARNETT: I wouldn't know if I would tell you or not.

16 FALZON: Well do you think you'd try and just keep it to
17 yourself and settle it among your own guys and get a little
18 revenge yourself.

19 BARNETT: No, because you know, you know it ain't going to
20 come through like that its just going to come through this guy
21 over here from Hunter's Point shot, shot your cousin. You know
22 what I am saying. It ain't going to come through like that it
23 don't never come through like that all you all going to do I
24 could say I could say any name and you all could go over there
25 and arrest that guy for my, for my, for you know for my
26 cousin's death right. And he could be doing that guy could be
27 doing fifteen and twenty years life in the state penitentiary
28 for something he didn't do you know what I'm saying. I don't

1 want I don't want to send anybody innocent away like they
2 trying they trying to do to us you what I am saying like the
3 Hunter's Point guys trying to get us, you know sent to jail for
4 something that didn't nobody do, you know what I'm saying I
5 don't wanna get nobody sent that didn't have nothing to do with
6 it. Now if I find out somebody that had something to do with it I, I,
7 you know if they really had something to do with it I, I,
8 you know I want them to get put away.

9 FALZON: So you would be calling me then?

10 BARNETT: I call you but I...

11 FALZON: I want some good information.

12 BARNETT: If I come up with some good information but you
13 know I ain't gonna come across nothing like that, 'cause it
14 don't even be going like that.

15 FALZON: Suppose when your friend saw who was chasing
16 Roderick that could help us. We're not going to send him away
17 just because he have a name, you know how cases are put
18 together, we need a lot of evidence, we need to prove beyond a
19 reasonable doubt to twelve people in the jury.

20 BARNETT: Y'all should go and try and find them vehicles
21 and fingerprint them vehicles, then y'all find out who did it.

22 FALZON: Fortunately or unfortunately all we know right
23 now is that two cars were involved and a pickup truck, a large
24 sized pickup truck and older one. That's all we know. Now I'm
25 sure there's a lot of vehicles up in Hunter's Point that match
26 what I just told you. But you might find out more from your
27 group in the Sunnydale projects as to who this could be and
28 then you can help narrow it down by telling us who we should go

1 get, what cars and fingerprints and the rest of what you want
2 us to do. Make sense?

3 BARNETT: Yeah, but I can name some - but I can name, I can
4 name some turfs in Hunter's Point and y'all can go through them
5 turfs and y'all wouldn't, y'all wouldn't be able to find
6 nothing. Y'all go wouldn't be able to find nothing. Right in
7 your face, you wouldn't be able to find anything.

8 FALZON: I personally think that you're going to be able
9 to find out something when you go back out the Sunnydale
10 projects I think your friends are gonna tell you ...

11 BARNETT: I'm not even going back up to the Sunnydale
12 projects. I'm not even going to be around the projects.

13 FALZON: Well, personally, if you're hiding anything from
14 me, I think you ought to tell me before you leave today or at
15 least call me tomorrow or something before something happens to
16 you. Because I think you'd realize that it was either you or
17 your cousin that they wanted to get. They knew that car, they
18 knew who would be in it and maybe they couldn't tell if it was
19 Roderick or you, but I think you're smart enough to know, they
20 wanted revenge on either you or your cousin because of that
21 car. They knew that car belonged to your family.

22 BARNETT: They knew that was a Sunnydale car?

23 FALZON: Right.

24 BARNETT: Y'all know that. That's all I got to say, but
25 they knew that was a Sunnydale car. See, you got HP written on
26 your desk.

27 FALZON: That's HP in here. So, and you're here so
28 obviously you know we're bringing...

1 BARNETT: And they weren't looking they weren't looking for
2 me or him, they you know, they was just, he was just seen by
3 himself, and they just got him, that's all.

4 FALZON: Except like you say they know it was a Sunnydale
5 car and they know who was in either you or him.

6 BARNETT: Like I said it was gang, man. It was gang you
7 know, that's all it was, it was gang. Or it wasn't, or I
8 wouldn't even say it was a gang, I'd say it was Hunter's Point.
9 All right? Don't call them no gang 'cause I ain't gonna say we
10 a gang. I ain't gonna say nobody in Sunnydale's a gang.

11 FALZON: Okay. Is there anything else?

12 BARNETT: No.

13 FALZON: We're ending this taped statement, the time now
14 is 1:30. Thank you for your cooperation.

15 END OF TAPE

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1 I, PATRICK W. MONTGOMERY, a paralegal with the law firm of
2 Keker & Van Nest, LLP., do hereby certify that under penalty of
3 perjury under the laws of the United States, the foregoing is a
4 full, true, and correct record of the August 19, 1989, audio-
5 taped interview of Patrick Barnett, provided by the District
6 Attorney's Office of the City and County of San Francisco,
7 pursuant to subpoena, as transcribed by me, to the best of my
8 ability.

9 Dated at San Francisco, California, this 7th day of
10 June, 2002.

11 
12 PATRICK W. MONTGOMERY
13 Paralegal

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